

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held December 3, 2002

A regular meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township at Municipal Building, 75 South Houcks Road, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also present were George Wolfe, Township Manager, Steven A. Stine, Township Solicitor, Joseph Sutor, Township Engineer, and Lori Wissler, Planning and Zoning Officer.

Pledge of Allegiance

Mr. Seeds led the Pledge of Allegiance.

Approval of Minutes of November 4, 2002 & November 12, 2002 (2 sets)

Mr. Crissman made a motion to approve the minutes of the November 4, 2002 business meeting and the November 12, 2002 workshop meeting, and November 12, 2002 special meeting as presented. Mr. Blain seconded the motion and a unanimous vote followed.

Public Comment

Mrs. Debra Orris of 105 North 47th Street, Swatara Township, made a comment regarding an incident that occurred Friday, November 29th in the Township in the 5400 block of Devonshire Road. Mrs. Orris explained that she was exiting the Paxton Towne Centre in the area behind Costco's, making a left turn onto Devonshire Road. At that time Mrs. Orris was stopped by Officer Vogel and given a citation for an illegal left turn. Mrs. Orris explained that she had been driving for over 40 years and never had a citation. She

explained that she used the exit behind Costco's to avoid the traffic in the area, and that she was under the impression that there were two exit lanes, one to exit right, and one to exit left. She stated that at the stop sign, there was a no left turn sign, and she stated that she thought that referred to the right lane. Once she exited the mall property, she realized after looking at the road markings that she was in the wrong lane on Devonshire Road. She explained that she proceeded with caution, as there was no traffic in the area, and she had already committed herself to the movement. At that point, Officer Vogel stopped her vehicle, and in the process of issuing her the citation, explained that her violation was a common experience. She noted that if she had been given a warning she would not have complained, but since she was issued a citation, she stated that she needed to bring this dangerous situation to the attention of the Board of Supervisors. She stated that the police officer suggested that that exit should be closed permanently. Ms. Orris requested that additional signage be placed in the area, or close the exit permanently.

Mr. Hawk thanked Mrs. Orris for bringing this to the attention of the Board of Supervisors, and noted that he would have someone take a look at the intersection. Mr. Seeds questioned which intersection she was referring too. Mr. Hawk answered that it is the intersection behind Costco's. Mr. Seeds questioned if it was a problem due to insufficient signage. Mr. Blain questioned Mr. Sutor if the Township could erect signs on public property. Mr. Sutor answered that the developer would probably erect the signs if the Township provided them. Mr. Crissman requested that Mr. Sutor report these findings to the Board of Supervisors at the next meeting.

Ms. Wilma Jackson of 903 Scenery Drive, Lower Paxton Township, noted that she had two questions for the Board of Supervisors. Ms. Jackson requested information on the traffic study that was completed on Scenery Drive. In addition, she explained that her

neighbors, Judy and Tim Williams of 905 Scenery Drive were not home when the tree survey was completed. She inquired if it was too late for her neighbors to request a tree for their property. Ms. Jackson also requested a flashing warning notice for trucks at both entrances of Scenery Drive. She noted that the buses traveling to Atlantic City from the Colonial Park Mall now use Scenery Drive as their route.

Mr. Wolfe noted that the tree planting is a project sponsored by the Shade Tree Commission. He explained that he would inquire if they are still planting trees, and contact the Williams with a response. Mr. Seeds suggested that it might be too late in the season to plant the trees.

Mr. Sutor noted that Sgt. Hogentogler informed him that the preliminary results of the traffic study for truck use did not find a significant amount of truck traffic. Mr. Sutor noted that he would prefer to reserve his final comment until he has had an opportunity to review the results of the traffic survey. Mr. Wolfe questioned Mr. Sutor when he expected to receive the traffic survey. Mr. Sutor noted that he should have it within a week.

Chairman and Board Members' Comments

There were no comments.

Manager's Report on Township Activities

Mr. Wolfe stated that the annual lighting of the Christmas tree would be held on Friday, December 6th at 7:00 p.m. at the Friendship Community Center. He explained that local high school musicians would provide music, and Santa Claus is scheduled to make an appearance. The public is invited to attend this event.

Mr. Wolfe announced that the Village of Linglestown is having a Holiday celebration sponsored by the Linglestown Civic Association on Sunday, December 8th,

starting at 5:00 p.m. with the lighting of the luminaries. A carol sing-along will start at 6:00 p.m, and at 6:30 p.m. the public is invited to the fire hall for cookies, drinks and music by Jay and the Jingo's.

Mr. Wolfe noted that the Board of Supervisors would host one of the two Breakfasts' with Santa at the Friendship Community Center. The breakfast on Saturday, December 8th, is sponsored by the Lower Paxton Lions Club, and on Saturday, December 14th, the Board of Supervisor will host this event. Both events start at 9:00 a.m. Reservations are required, and a small fee is charged.

Mr. Wolfe reminded residents that the fall leaf collection program would continue, weather allowing. The schedule for leaf collections is distributed to each household one-week prior to the collection; in order the give residents time to rake their leaves to the curb. In addition to the vacuuming service provided by the Public Works Department, leaves can be taken to the Township Landfill on Conway Road, or may be picked up by Waste Management. A per bag sticker is \$3.00, or a yard waste customer has the ability to have an unlimited collection of yard waste which include leaves at curbside in bags or containers.

Old Business

Action on collective bargaining agreement between the Township and its police officers

Mr. Wolfe noted that this agreement is a win-win situation for both the Township and its police employment union. The contract term is for a 3-year period, beginning January 1, 2003 and ending December 31, 2005. Mr. Wolfe noted that it is his recommendation to the Board of Supervisors to take affirmative action to satisfy the collective bargaining agreement, as the police officers have already done so.

Mr. Crissman made a motion to accept the collective bargaining agreement between the Township and the Police Officers for a period beginning January 1, 2003 through December 31, 2005. Mr. Seeds seconded the motion.

The Supervisors were polled as follows: Mr. Blain – aye, Mr. Crissman – aye, Mr. Hornung – aye, Mr. Seeds – aye, Mr. Hawk aye.

New Business

Resolution 02-65; Authorizing the submission of a grant permit application to PENNDOT for operation of a traffic signal on Union Deposit Road at Central Dauphin East High School

Mr. Wolfe noted that the Township is required to have a permit approved by PENNDOT to install a traffic signal. He noted that this resolution allows the Township to submit the permit application, with the design work being part of the land development plan being undertaken by the Central Dauphin School District for renovations to CD East High School. Mr. Wolfe explained that the traffic signal would be paid for by the Central Dauphin School District, with the Township taking ownership of the signal, being responsible for maintenance and energy costs.

Mr. Crissman made a motion to authorize the execution of the application to PENNDOT for the permit to install and operate the traffic signal at Union Deposit Road and Four Season Boulevard at the East Junior High and East Senior High School entrance. Mr. Blain seconded the motion.

Mr. Hornung questioned if the Township had any input into the design of the traffic signal. Mr. Wolfe answered that the Township would have an opportunity to comment on the design prior to it being submitted to PENNDOT.

The Supervisors were polled as follows: Mr. Blain – aye, Mr. Crissman – aye, Mr. Hornung – aye, Mr. Seeds – aye, Mr. Hawk – aye.

Change Orders #2, #3, & #4 for rehabilitation of underground storage tanks

Mr. Sutor explained that the change orders include time extensions, as well as increases in cost. Mr. Sutor recommended to the Board of Supervisors that they approve several of the change orders and all of the time extension with the exception of the cost increase to Change Order #2, as outlined in his memo to the Board.

Mr. Hawk questioned if the cost is for the labor costs for the addition in time. Mr. Sutor noted that the total labor cost for Change Order #2 is \$4,742.11. Mr. Sutor noted that the explanation from B & F Petroleum Installations, Inc, is outlined in their letter dated November 13, 2002.

Mr. Seeds made a motion to approve the Change Orders for B & F Petroleum Installations, Inc., Change Order #2 granting six more days of completion of that phase of the project, Change Order #3, an additional cost to the Township of \$3,300 with two more additional days, Change Order #4, an additional cost of \$5,715 and an additional four days for a total of \$9,015 and 12 more days to complete the work.

Mr. Hawk questioned why his motion was different from what was requested from the contractor. Mr. Seeds noted that it is different, based on what Mr. Sutor recommended. He did not recommend the increase of cost in Change Order #2 of \$4,742.11 because it wasn't included in the original bid.

Mr. Crissman seconded the motion.

Mr. Blain questioned if the additional 12 days would impact the consent decree granted by DEP. Mr. Sutor answered that he had a conversation with John Kasarda, from DEP, and was told that DEP would not have a problem of an extension date of January 4, 2003. A follow-up email noting that DEP would permit the Township to go to the January 4th date has been received.

The Supervisors were polled as follows: Mr. Blain – aye, Mr. Crissman – aye, Mr. Hornung – aye, Mr. Seeds – aye, Mr. Hawk aye.

Subdivision and Land Development

Revised final land development plan for The Shoppes at Colonial Road

Ms. Wissler noted that this plan was postponed by the Board at the November 19th meeting, with the outstanding issues being, Mr. Snyder's comment regarding the deficiencies at the Colonial Road, Crums Mills Road intersection, and whether the developer offered his fair-share contribution. Staff researched the issue and found the executive summary from a traffic impact study that was revised for this plan which stated that the developer and the Township have agreed to enter into an agreement where the developer would contribute his fair-share to the Township for future improvements at that intersection. Also during the preliminary approval of this plan, one of the conditions was that the developer agreed to contribute \$6000 towards future traffic improvements necessitated by Phase I. The developer also agreed to discuss another traffic improvement contribution at the time of Phase II. However, the current plan will be completed in one Phase. Ms. Wissler noted that she was asked to research what the other developers in the vicinity had contributed. She noted that AA Reality contributed \$15,000 for traffic improvements, and Triple Crown Corporation, for their site on Crums Mill Road, did not give a financial contribution, instead they agree to implement the five recommendations contained within their traffic impact study.

Ms. Wissler noted that the Staff comments are included with the memo and present tonight for this meeting is Chad Zimmerman, the engineer for the project, and Tony Owen who is representing Tony Pascotti, the owner.

Mr. Seeds questioned under the executive summary, # 10, the analysis found that the left turn lane with a storage length of 150 feet is warranted on Colonial Road. Mr. Seeds questioned if they were proposing that. Ms. Wissler answered that they are proposing that.

Mr. Seeds questioned if there would be a fence installed around the retention pond. Mr. Zimmerman answered that they would install a fence if needed. Mr. Seeds questioned what were the slopes and the depth of the retention pond. Mr. Zimmerman answered that the slopes around the detention pond were three-to-one, and he recalled the depth to be three to four feet. Mr. Seeds noted that three-to-one is the Township standard. Mr. Seeds noted that he did not have a problem with those slopes and the depth of the retention pond.

Mr. Seeds questioned if the developer agreed to contribute \$15,000 for traffic improvements. Mr. Hawk noted that was for AA Reality, not this project. Mr. Seeds questioned if Mr. Zimmerman was aware that the developer agreed to contribute \$6,000 for Phase I, and to negotiate under Phase II. Mr. Seeds questioned since both plans were combined under one Phase, would the developer be prepared to offer an additional contribution. Mr. Owen responded that the original plan under Phase I, called for a daycare center, and a restaurant with a liquor license and a bar. The restaurant and day care center have been withdrawn from the plan. Mr. Seeds noted that there could be a restaurant built in the future. Mr. Owen noted that the traffic study was based upon the restaurant and the day care center. He stated that these two businesses are no longer in the plan, with the final land development plan consisting of retail shops only, but in theory, a restaurant could be a future use. He noted that the original traffic count was based on the shops, the day care center and restaurant, which double the square footage which would have made the traffic counts much higher, therefore the developer was willing to pay the \$12,000 towards traffic improvements. With the recent traffic count minus the day care center and restaurant, the

traffic count has been lowered; therefore the developer wishes to contribute a total of \$6000 towards traffic improvements.

Mr. Hawk questioned if AA Reality had agreed to pay \$15,000, would it be appropriate to have Mr. Owen match those funds. Mr. Owen noted that he would like to review the traffic counts before he would consider matching those funds.

Mr. Hornung noted that retail space is in constant flux, noting that you could have high generators, and at another time, low generators. He noted that because the high use is not there now, it does not mean that it wouldn't be there in the future. Mr. Hornung noted that the Township spends a tremendous amount of money on traffic improvements, and yet the number one complaint among the public is traffic. He noted that since development adds to the problem, the Township asks the developers to assist with funds for traffic improvements.

Mr. Hawk stated that he would recommend postponing action until the developer has more time to review the traffic study. Mr. Owen stated that his site is not the same proportion as the previously mentioned sites, and it does not make sense that he should be made to pay the same amount as the other developers.

Mr. Crissman questioned how emergency vehicles would access the development, and maneuver the area. Mr. Zimmerman answered that emergency vehicles would pull in straight, park in the main entranceway, and pull their hoses around the buildings. He noted that most standard fire equipment have hoses that extend 300 feet. He noted that fire trucks would not be able to maneuver the parking lanes in the complex.

Mr. Crissman questioned if there would be sufficient fire coverage for the last building on the far left of the complex. Mr. Zimmerman noted that they should be able to extend the fire hose to that building.

Mr. Seeds questioned if a fire truck would be able to maneuver the drive lanes to the front or the back of the buildings. Mr. Zimmerman answered that he was not aware of the size of the Township's fire equipment, but they would not be able to get into those lanes.

Mr. Blain questioned if this plan should be sent back to the Public Safety Committee for their review, since public safety is a large issue. He noted that one fire truck could block all other fire equipment from entering the complex. Mr. Hawk noted that it was a point well taken.

Mr. Hawk questioned how traffic would turn around in the southern front lot if the parking areas were all taken. Mr. Zimmerman noted that there is turn around area provided for at the end of the driving lane. Mr. Crissman noted that there would not be enough room for emergency vehicles to turn around.

Mr. Crissman questioned how would the emergency vehicles exit, once they have entered the complex. Mr. Zimmerman answered that the only way the vehicles could exit, would be to back out onto Colonial Road, since there is no place for the vehicles to turn around internally.

Mr. Crissman questioned what type of sewer is planned for this development. Mr. Zimmerman answered that the original plan intended to have a gravity line to the existing manhole on the opposite side of the road. However, the land owner was not willing to grant an easement, therefore the alternate plan is to use the existing pump station on the same side of the road owned by AA Reality, noting that they would grant an easement to use their pump station. CET is reviewing the design for this plan, and should be completed with the review by the end of the week.

Mr. Seeds questioned the two exit lanes, one north and one south, that were mentioned in the traffic study. Mr. Owen noted that that was based on the fact that the

developer was proposing to have a right turn and left turn lane. The recent traffic study that was completed recommended that the left turn not be allowed, allowing only the right or southern turn only. Mr. Seeds noted that this design was part of the approved preliminary plan. Mr. Zimmerman noted that it was contingent on receiving PENNDOT approval. Mr. Owen noted that the current proposal is for a right turn exit only from the development.

Mr. Hawk noted that it is appropriate to send the plan back to the Public Safety Committee for their review, and also further discussion on the traffic pattern. Mr. Blain explained that Mr. Stine noted that the final plan approval is January 11, 2003, noting that there are two more public meetings at which action could be taken on this plan.

Mr. Hawk noted that fire trucks could block the vehicles parked in the complex from exiting the development, and he noted that he is not satisfied with the turn around at the end of the parking areas.

Mr. Hawk recommended that the Board postpone action on the plan, until the Public Safety Committee reviews the plan, and Mr. Owen reviews the traffic study.

Mr. Blain questioned when the Public Safety Committee would meet. Mr. Wolfe answered that the Public Safety Committee meets the second Tuesday of the month, December 12, 2002. Mr. Blain requested that this plan be put on their next agenda. Mr. Wolfe noted that the plan would come back to the Board of Supervisor's for their December 17th meeting.

Mr. Seeds questioned if the developer only wished to offer a contribution of \$6000 towards traffic improvements. Mr. Owen answered yes. Mr. Blain noted that the option to discuss any additional funds has been discussed, as part of Phase II, and the answer to that is that there would be no additional funds offered. Mr. Owen agreed with that statement.

Mr. Owen questioned if there was an ordinance that stated that the Public Safety Committee must review the plans. Mr. Hawk answered that there is no ordinance that states that the Public Safety Committee has to, but it is appropriate to do so. Mr. Owen questioned if they reviewed the plan. Mr. Seeds noted that the plan has changed, and should be reviewed again since changes have been made to it. Mr. Owen questioned if the Public Safety Committee reviewed the plan. Ms. Wissler answered that she did not know if the Public Safety Committee reviewed the plan.

Mr. Hawk made a motion to postpone action on the plan until a later date after the Township has had a sufficient review of the plan by the Public Safety Committee. Mr. Seeds seconded the motion.

The Supervisors were polled as follows: Mr. Blain – aye, Mr. Crissman – aye, Mr. Hornung – aye, Mr. Seeds – aye, Mr. Hawk aye.

Resolution 02-67; Accepting the public right-of-ways of Alfano Drive, Koch Lane, and Lentz Drive in Autumn Ridge, Phase II.

Ms. Wissler requested that this be tabled at this time since she did not receive corrections to the descriptions from the owner.

Mr. Blain made a motion to table Resolution 02-67; Accepting the public right-of-ways of Alfano Drive, Koch Lane, and Lentz Drive in Autumn Ridge, Phase II, until the Township receives the corrections. Mr. Crissman seconded the motion, and it passed unanimously.

Improvement Guarantees

Mr. Hawk stated that the Board needed to take action on the following improvement guarantees:

Jeffrey W. Keiser

Mr. Keiser is a new escrow account of \$1,834.25, with an expiration date of December 3, 2003.

Kings Crossing, Phase B

Kings Crossing has requested a reduction of a letter of credit with Fulton Bank. The current amount of \$103,086.50 is reduced to \$47,197.70. The expiration date is May 17, 2003.

Autumn Ridge, Phase II

Paxtonia Associates has requested a reduction and an extension in their letter of credit agreement with Fulton Bank. The current amount of \$76,494.00 is reduced to \$34,298.00. The expiration date is November 29, 2003.

Jewish Home of Greater Harrisburg

Jewish Home of Greater Harrisburg has requested a release from a letter of credit with Fulton Bank.

Springford Village, Phase 8, Section 2

Springford Terrace Two Limited Partnership has requested a release from the escrow agreement with National Penn Bank.

Spring Creek Estates

EBS Development Corporation has requested a release from the escrow agreement with Waypoint Bank.

Reaffirmation Plans

Mr. Hawk stated that the developer has requested that the plan for Zimmerman Candy be reaffirmed.

Mr. Crissman made a motion to approve the improvement guarantees and reaffirmation as presented. The motion was seconded by Mr. Blain and passed unanimously.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township, and to approve the requisition of funds to pay the bills of Lower Paxton Township. Mr. Seeds noted that there are no Lower Paxton Township Authority check registers or requisitions of funds.

Mr. Crissman seconded the motion, and the motion passed unanimously.

Mr. Wolfe noted that there should be in the packets a one-page check register for Lower Paxton Township Authority, dated November 21, 2002. Mr. Wolfe noted that there would not be a requisition of funds now that the Township has eliminated the indentures requiring fund requisitions. He noted under the previous indentures for bonds, the Township was required to requisition or ask banks to give the Township the funds to pay the bills. Mr. Seeds questioned if this was something new. Mr. Wolfe noted that it was, and that the Authority is under a general obligation bond to the Township, with a reimbursement agreement between the Township and the Authority, having access to the money without the need of requisition.

Mr. Seeds amended his original motion to include the Township Authority to pay the bills of Lower Paxton Township and The Lower Paxton Township Authority. Mr. Crissman seconded the motion, and the motion passed unanimously

Announcements

Mr. Hawk announced congratulations to the television cameraperson, Michele Davis, who was recently married, to Daniel Hiner.

Adjournment

Mr. Crissman made a motion to adjourn. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary